IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 11TH OCTOBER 2006 / 19TH ASWINA 1928

Bail Appl..No. 6048 of 2006

AGAINST THE ORDER DATED 28/09/2006 IN CRMP.4784/2006 IN SC.712/2004 of ADDITIONAL DISTRICT COURT (ADHOC-I), ERNAKULAM CRIME NO.32/2002 OF KANNAMALY POLICE STATION

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PETITIONER/ACCUSED-11:

ANVAR, S/O.HASANKUTTY @ IMBIKKA,
5/1120, KOMBARAMUKKU, MATTANCHERY.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.32 OF 2002 OF KANNAMALY POLICE STATION).

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6048/2006

DATED THIS THE 11TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is the eleventh accused, in crime No.32/2002 of Kannamaly Police Station, for the offence punishable under Sections 143, 147, 148, 341 and 307 IPC read with Section 149 IPC. The petitioner was on bail, but he absconded. Therefore, the sureties were directed to produce him. However, the sureties appeared before the Additional Sessions Court, (Ad hoc-I), Eranakulam, and submitted that the petitioner could not be produced, as he is at Ahamadabad. However, the petitioner had surrendered and now he is in judicial custody.

2. The prayer for bail was rejected by the Additional Sessions Court, (Ad hoc-I), Eranakulam, as per the order dated 28.9.2006. The petitioner is accused in S.C.No.712/2004. The Sessions Judge stated that the charge could not be framed, because of the absence of the petitioner, the eleventh accused.

3. The learned counsel for the petitioner submits that the petitioner will be available on all posting dates and he would report before the Investigating Officer on any day, which the Court directs.

4. It is also further submitted by the counsel that though the petitioner had gone to Ahamadabad for work in a Ship Working Unit, he would be available in Kerala, till the completion of the trial.

5. After considering the submissions made by the counsel and also the facts on record, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.50,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Additional Sessions Court (Ad hoc-I), Eranakulam.

(b). The petitioner shall report before the S.H.O of Kannamaly Police Station, once in a week on every Tuesday, between 10.00 a.m and 11.00 a.m.,

starting from 17.10.2006, till the final disposal of the Sessions Case.

(c). The petitioner shall appear before the trial Court, on all posting dates.

(d). The petitioner shall not leave the State of Kerala, until the completion of the trial and final disposal of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs